

LYNCH ICHIDA THOMPSON KIM & HIROTA

TIMOTHY J. HOGAN 5312-0  
1132 Bishop Street, Suite 1405  
Honolulu, Hawaii 96813  
Tel. No. (808) 528-0100  
Fax No. (808) 528-4997  
E-mail: [tjh@loio.com](mailto:tjh@loio.com)

Attorney for Plaintiff  
WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen; ) Civ. No. CV03 00385 SOM-LEK  
                                      ) (Copyright)  
Plaintiff,                      )  
                                    ) **DECLARATION OF TIMOTHY J.**  
vs.                              ) **HOGAN; EXHIBIT "A"**  
                                  )  
HAWAIIAN EXPRESS SERVICE,    )  
INC., a California corporation; et al., )  
                                  )  
                                  )  
Defendants.                    )  
\_\_\_\_\_ )

**DECLARATION OF TIMOTHY J. HOGAN**

I, TIMOTHY J. HOGAN, am an attorney licensed to practice before all the courts of the State of Hawaii and I make this declaration under the penalty of perjury. All the statements herein are true and correct to the best of my knowledge, information and belief. If called upon to testify regarding the matters herein, I am

competent and willing to do so.

1. Attached hereto as Exhibit "A" is a true and correct copy of this Court's Order Denying Plaintiff Wayne Berry's Motion for Order Withdrawing the Reference to the Magistrate Judge of Post-Trial Motion Related to Attorneys' Fees and Costs, filed on November 29, 2006 (Docket No. 1016).

DATED: Honolulu, Hawaii, February 9, 2007.

/S/Timothy J. Hogan  
TIMOTHY J. HOGAN